

UNITED STATES DISTRICT COURT

for the  
Eastern District of Tennessee

United States of America

v.

DANIEL KERLEY

Defendant(s)

Case No. 3:13 MT 1104

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2, 2013 in the county of Knox in the  
Eastern District of Tennessee, the defendant(s) violated:

Code Section  
18 § 2113(a) and (d) and  
18 § 924(c)

Offense Description  
Armed bank robbery; and  
Using, carrying, and brandishing a firearm during and in relation to a crime of  
violence.

This criminal complaint is based on these facts:

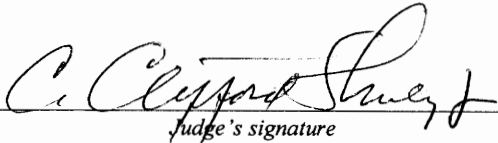
Please see the attached affidavit of FBI Special Agent Paul Hughes, which is fully incorporated herein.

☒ Continued on the attached sheet.

  
Complainant's signature  
FBI Special Agent Paul Hughes  
Printed name and title

Sworn to before me and signed in my presence.

Date: 12-6-13

  
Judge's signature

City and state: Knoxville, Tennessee

C. Clifford Shirley, United States Magistrate Judge  
Printed name and title

AFFIDAVIT

UNDER SEAL

CASE NO. 3:13 MJ 1104

I, Paul C. Hughes, being duly sworn, state the following information to be true to the best of my knowledge, information, and belief:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), United States Department of Justice, acting in my official capacity. I have been employed as a Special Agent with the FBI since January 2002. Prior to joining the FBI, I served as a sworn deputy with the Knox County Sheriff's Office in the State of Tennessee starting January 1988. During my tenure as an FBI Special Agent and as a deputy with the Knox County Sheriff's Office, I have participated in numerous investigations involving violent crime, including bank robberies, kidnapping, cargo thefts, and extortions. I have also attended FBI-sponsored training and have had communications with law enforcement personnel who specialize in these areas.

2. Except as noted, all of the information contained in this affidavit is either known to me personally or has been told to me by other law enforcement officials.

3. On December 2, 2013, at approximately 10:53 a.m., the Branch Bank and Trust ("BB&T"), located at 11113 Parkside Drive, in Knoxville, Tennessee, was robbed. The robber wore a lightweight navy blue nylon jacket, dark pants, and a brown Carhart ball cap. His face was not covered, though he had a beard and was wearing wire-rimmed eyeglasses. Witnesses said they believed the robber to be a white male with brown hair, in his late 20's or early 30's, having a medium build, and that he was between six feet to six feet, two inches tall. The robber entered the front door, approached the teller, spoke with the teller about getting a money order or

opening an account, and then he brandished a firearm. The robber said words to the effect of “This is how it’s going to go. I want all of your money.” The teller gave the robber money and the robber fanned through the money, apparently looking for dye packs. The robber asked whether there were any dye packs, and the teller said there were not. The robber stuffed the money inside his jacket, told everyone to have a good day, and walked out of the bank. The teller watched the robber through a bank window and the teller saw the robber walk through a neighboring parking lot very slowly and casually, appearing to be in no hurry whatsoever, which surprised the teller.

4. The next day, on December 3, 2013, FBI received information from the FBI resident agency in Cookeville, Tennessee, regarding a call-in complaint, who claimed to be a family member of Daniel Kerley. The family member stated that, upon viewing surveillance photographs from the herein-described bank robbery, the family member recognized the robber as Daniel Kerley. The family member said that on Thanksgiving Day, November 28, 2013, Daniel Kerley had a beard and bragged about how it enhanced his luck with women.

5. Additionally, a different individual, who wanted to remain anonymous, approached Cumberland County Sheriff’s Deputy Mac Judkins and informed him that the robber in the surveillance photographs from the herein-described bank robbery is Daniel Kerley.

6. Law enforcement officers went to Crossville to interview Daniel Kerley. When they got to Crossville, they originally could not locate Daniel Kerley so they decided to call his cellular telephone 931-287-5052. Daniel Kerley answered the phone, said he was at a doctor’s appointment, and agreed to meet with law enforcement officers after leaving the doctor’s office. When he arrived for the meeting, Daniel Kerley was informed that he did not have to speak with law enforcement officers and that he was free to leave at any time. During the meeting, Daniel

Kerley was again asked to provide his cellular telephone number, and he said his cellular telephone number is 931-287-5052. Daniel Kerley said he was at his friend's, James "Dylan" Conder's, apartment all day on December 2, 2013, arriving between 10:00 a.m. and 11:00 a.m. and staying until 4:00 p.m. He said that he originally had his cellular telephone with him. He said he only left the apartment one time, at approximately 12:00 p.m., and that was to go to the apartment parking lot, where he spoke with his father. He said he must have left his cellular telephone in his father's vehicle at that time, and he retrieved the cellular telephone at 4:00 p.m. that day. Daniel Kerley said he had hernia surgery approximately three weeks ago and could not run (notably, as provided above, the victim bank teller said that after the robbery, the robber walked through the parking lot slowly, and was not running or hurried). Daniel Kerley denied having committed the herein-described bank robbery. Daniel Kerley denied even being in Knoxville on December 2, 2013. Daniel Kerley claimed that James "Dylan" Conder could verify he was in Crossville.

7. Law enforcement officers noticed that Daniel Kerley matches the physical description of the bank robber provided by witnesses and he appears to be the same person from the bank robbery surveillance photographs. A photograph of Daniel Kerley provided to the FBI by a family member, shows Daniel Kerley around Thanksgiving 2013, and in the photograph, Daniel Kerley has a full beard, just like the one the robber had, and Daniel Kerley is wearing eyeglasses that appear to be the same as the eyeglasses the robber wore while committing the herein-described bank robbery. Additionally, Daniel Kerley had shaved his beard and cut his hair. Daniel Kerley was not wearing eyeglasses at the time he spoke with law enforcement, though he admitted that he wears eyeglasses but said he does not wear them all of the time.

8. According to his driver's license information, Daniel Kerley is a white male with brown hair, standing six feet, four inches tall, and weighing 235 pounds. Daniel Kerley is currently twenty years old.

9. Daniel Kerley provided consent for officers to search his apartment. He said there would be three long guns inside and, in fact, law enforcement officers found three guns in his bedroom. Daniel Kerley also said he had recently pawned three other long guns that he inherited from his grandfather. He claims to not own a handgun and no handgun was found within his apartment.

10. On December 3, 2013, law enforcement officers spoke with Daniel Kerley's father, who said he ran errands and went to lunch on December 2, 2013, but he never left the Crossville area and never went to Knoxville that day. Daniel Kerley's father claimed that Daniel Kerley had shaved on Sunday night, December 1, 2013.

11. On December 3, 2013, law enforcement officers spoke with James "Dylan" Conder. James "Dylan" Conder claimed that on December 2, 2013, Daniel Kerley was at his apartment beginning at 9:00 a.m. or 10:00 a.m. until approximately 4:00 p.m., with the exception of a 30-minute break at 2:00 p.m., when James "Dylan" Conder left to pick up his girlfriend.

12. On December 3, 2013, James "Dylan" Conder's girlfriend, Shannon Marie Daniels, was interviewed by law enforcement officers and she said that on Monday evening, which is the evening of the robbery, Daniel Kerley came to their apartment. She said she had been at work all day and she arrived at the apartment at 2:00 p.m. She said Daniel Kerley did not come to the apartment until approximately 6:00 p.m. or 7:00 p.m. that day. She said when Daniel Kerley arrived, he gave James "Dylan" Conder a dark-colored jacket, that she believed to be green, but she confirmed the jacket Daniel Kerley provided looked like the jacket in the bank



robbery surveillance photographs. When she woke up on December 3, 2013, the jacket was gone. James “Dylan” Conder told Shannon Marie Daniels that Daniel Kerley said he was in “federal trouble” and that he wanted them to say he was with them all day on Monday, December 2, 2013 (the day of the bank robbery). Shannon Marie Daniels said she has known Daniel Kerley for three months and he has always had a beard. She said that when he came to their apartment in the evening on Monday, December 2, 2013, Daniel Kerley was clean-shaven.

13. Based on my training and experience, I know that people routinely carry their cellular telephones with them wherever they go. Additionally, I know bank robbers oftentimes have cellular telephones with them in the event they will need assistance or need to communicate with accomplices.

14. On December 4, 2013, United States Magistrate Judge Shirley authorized a Court Order for the release of the historical cellsite location records for Daniel Kerley’s cellular telephone number 931-287-5052. Verizon provided those records to the FBI on December 5, 2013. These records show that on December 2, 2013 (which is the date of the herein-described BB&T bank robbery that occurred at 10:53 a.m.), at 10:50 a.m., 11:20 a.m., and 11:25 a.m., this cellular telephone hit off a Verizon cellular tower on Lovell Road, which is located just northeast of the Turkey Creek shopping area in Knoxville. At 10:59 a.m. and 11:24 a.m., this cellular telephone hit off a Verizon tower located off Canton Hollow Road, which is just southeast of the Turkey Creek shopping area. The BB&T that was robbed is near the center of the Turkey Creek shopping area. These cellular towers are each approximately less than one mile from the BB&T that was robbed on December 2, 2013 at 10:53 a.m.<sup>1</sup>

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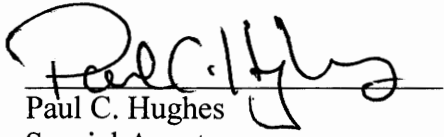
<sup>1</sup> The times provided by Verizon for the cellular tower hits and the time of the bank robbery are in Eastern time. Because they were physically in a different time zone when being interviewed and it was not specified, it is unclear

15. At the time of the bank robbery described herein, the deposits of the BB&T, located at 11113 Parkside Drive, in Knoxville, Tennessee, were then insured by the Federal Deposit Insurance Corporation.

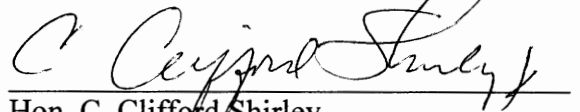
16. Based upon the foregoing, your affiant is of the opinion that there is probable cause to believe that the DANIEL KERLEY violated Title 18, United States Code, Section 2113(a) and (d), armed bank robbery, and Title 18, United States Code, Section 924(c), using, carrying, and brandishing a firearm during and in relation to a crime of violence.

FURTHER AFFIANT SAYETH NAUGHT.

Executed this 5th of December, 2013, at Knoxville, Tennessee.

  
Paul C. Hughes  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to be me on this 5th day of December, 2013.

  
Hon. C. Clifford Shirley  
UNITED STATES MAGISTRATE JUDGE

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whether the times provided by Daniel Kerley, James "Dylan" Conder, and Shannon Marie Daniels are in Central or Eastern time.